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PATENT
Attorney Docket No.: 023070-114700US
Client Reference No.: 2001-055-1

TOWNSEND and TOWNSEND and CREW LLP

By: Sharoni Baran

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Koen WETERINGS, et al.

Application No.: 09/724,857

Filed: November 28, 2000

For: POLYNUCLEOTIDES USEFUL
FOR MODULATING TRANSCRIPTION

Customer No.: 20350

Confirmation No.: 7630

Examiner: Cynthia E. Collins

Art Unit: 1638

NOTIFICATION OF ERROR IN
SMALL ENTITY STATUS AND
PAYMENT OF DEFICIENCY OWED
UNDER 37.CFR §1.28(c)

January 4, 2007

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The above-identified application filed on November 28, 2000, originally correctly claimed small entity status in good faith. However, it has recently been discovered that such status as a small entity changed on September 1, 2002, when assignee entered into a licensing agreement. Small entity status was continued in good faith when the issue fee was paid, but in error due to inadvertence and without deceptive intent. The following submission and itemization hereby meet the requirements of 37 C.F.R. Sections 1.28(c)(1) and (c)(2) and MPEP Section 509.03(X). Therefore, Applicant respectfully requests the total deficiency payment be processed as set out below and that the error be excused.

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